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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(s): Jakke Makela

SERIAL NO.: 10/535,074

ART UNIT:

FILING DATE: May 13, 2005

EXAMINER:

TITLE: PREDICTIVE PROBABILITY ARRANGEMENT FOR  
LOADING FILES OVER AN INTERFACE

ATTORNEY

DOCKET NO.: 324-012224-US (PAR)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## PETITION TO WITHDRAW HOLDING OF ABANDONMENT

This is in response to the Notice of Abandonment mailed  
October 18, 2005.

The Notice indicates that Applicant failed to provide the full  
U.S. Basic National Fee by 30 months. (37 C.F.R.  
1.495(b)(2)). Applicant submits that this is an error.

The 30-month date for this Application was May 29, 2005.

On May 13, 2005, Applicant filed via Express Mail, the  
National Stage Application papers. A copy of the Express Mail  
receipt indicating a "Date In" of 5/13/05 is attached hereto.  
Copies of the Express Mail Certificate and the return postcard  
are also attached hereto.

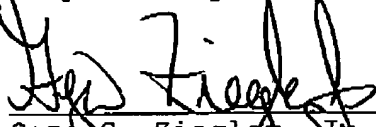
As noted on the Express Mail Certificate and Postcard, the  
application papers include a check for \$300 as payment of the

U.S. Basic National Fee. A copy of the cancelled check is attached hereto.

As set forth in 37 C.F.R. §1.495(b)(2), the U.S. Basic National Fee is \$300 (37 C.F.R. §1.492(a). (Copies of the relevant rules are attached hereto).

Therefore it is respectfully submitted that the holding of Abandonment is an error. The U.S. Basic National Fee was paid on May 13, 2005, prior to the expiration of the 30-month date. Withdrawal of the holding and reinstatement of the application is respectfully solicited.

Respectfully submitted,

  
\_\_\_\_\_  
Geza C. Ziegler, Jr.  
Reg. No. 44,004

15 Nov 2005  
Date

Perman & Green, LLP  
425 Post Road  
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Date: 11/15/05Signature: Carolina Rodriguez  
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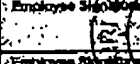

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Continued Patent Application (CPA)	<u>X</u>	IDS	<u>X</u>
New Application Transmittal	<u>X</u>	Form 1449	<u>X</u>
Certificate of Mailing	<u>X</u>	References	<u>X</u>
Specification <u>14</u> pp		Small Entity Form	
Claims <u>3</u> pp		Certified Copy & Transmittal	
Abstract <u>1</u> pp		Preliminary Amendment	<u>X</u>
Drawings <u>7</u> pp		Pet. & Fee For Extension of Time	
Decl. & POA			
Assignment		OTHER: <u>International Preliminary</u>	
Assignment Cover Sheet		<u>Report on Patentability</u>	
		<u>International Search Report</u>	

**10/535074**

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## IN THE UNITED STATES ELECTED OFFICE (DO/US)

REGARDING THE INTERNATIONAL  
APPLICATION OF:  
MAKELA, Jakke

DOCKET OR REFERENCE NUMBER:  
324-012224-US (PAR)

ENTITLED:  
PREDICTIVE PROBABILITY ARRANGEMENT FOR LOADING FILES OVER  
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## INTERNATIONAL STAGE EXPRESS MAIL CERTIFICATE

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I hereby certify that the following attached papers and/or fee

Transmittal Letter to the United States Designated/Elected Office DO/EO/US  
Front Page of WO Publication No. WO 2004/051494 A1  
Preliminary Examination Report  
Preliminary Amendment  
International Search Report  
Information Disclosure Statement/PTO1449/References Cited  
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are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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(Signature of person mailing paper or fee)

Each paper letter or communication relating to an international application during the international stage for which a date of filing is to be obtained as of the date of mailing must have its own certificate and the "Express Mail" label number as a part thereof or attached thereto. When, as here, the certification is presented on a separate sheet, that sheet must (1) be signed and (2) fully identify and be securely attached to the paper or fee it accompanies. Identification should include the serial number and filing date of the application as well as the type of paper being filed, e.g. complete application, specification and drawings, responses to rejection or refusal, notice of appeal, etc. If the serial number of the application is not known, the identification should include at least the name of the inventor (s) and the title of the invention.

The label number need not be placed on each page. It should, however, be placed on the first page of each separate document, such as, a new application, amendment, assignment, and transmittal letter or a fee, along with the certificate of mailing by "Express Mail". Although the label number may be on checks, such a practice is not required. In order not to deface formal drawings it is suggested that the label number be placed on the back of each formal drawing or the drawings be accompanied by a set of informal drawings on which the label number is placed.

NOV. 15. 2005 3:49PM

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NO. 860 P. 8

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34-110100361 16PK  
07-07-1000

## PATENT RULES

§ 1.495

**§ 1.495 Entering the national stage in the United States of America.**

(a) The applicant in an international application must fulfill the requirements of 35 U.S.C. 371 within the time periods set forth in paragraphs (b) and (c) of this section in order to prevent the abandonment of the international application as to the United States of America. The thirty-month time period set forth in paragraphs (b), (c), (d), (e) and (h) of this section may not be extended. International applications for which those requirements are timely fulfilled will enter the national stage and obtain an examination as to the patentability of the invention in the United States of America.

(b) To avoid abandonment of the application, the applicant shall furnish to the United States Patent and Trademark Office not later than the expiration of thirty months from the priority date:

(1) A copy of the international application, unless it has been previously communicated by the International Bureau or unless it was originally filed in the United States Patent and Trademark Office; and

(2) The basic national fee (see § 1.492(a)).

(c)(1) If applicant complies with paragraph (b) of this section before expiration of thirty months from the priority date, the Office will notify the applicant if he or she has omitted any of:

(i) A translation of the international application, as filed, into the English language, if it was originally filed in another language and if any English language translation of the publication of the international application previously submitted under 35 U.S.C. 154(d) (§ 1.417) is not also a translation of the international application as filed (35 U.S.C. 371(c)(2));

(ii) The oath or declaration of the inventor (35 U.S.C. 371(c)(4) and § 1.497), if a declaration of inventorship in compliance with § 1.497 has not been previously submitted in the international application under PCT Rule 4.17(iv) within the time limits provided for in PCT Rule 26<sup>ter</sup>.1;

(iii) The search fee set forth in § 1.492(b);

(iv) The examination fee set forth in § 1.492(c); and

(v) Any application size fee required by § 1.492(j);

(2) A notice under paragraph (c)(1) of this section will set a time period within which applicant

must provide any omitted translation, oath or declaration of the inventor, search fee set forth in § 1.492(b), examination fee set forth in § 1.492(c), and any application size fee required by § 1.492(j) in order to avoid abandonment of the application.

(3) The payment of the processing fee set forth in § 1.492(i) is required for acceptance of an English translation later than the expiration of thirty months after the priority date. The payment of the surcharge set forth in § 1.492(h) is required for acceptance of any of the search fee, the examination fee, or the oath or declaration of the inventor after the date of the commencement of the national stage (§ 1.491(a)).

(4) A "Sequence Listing" need not be translated if the "Sequence Listing" complies with PCT Rule 12.1(d) and the description complies with PCT Rule 5.2(b).

(d) A copy of any amendments to the claims made under PCT Article 19, and a translation of those amendments into English, if they were made in another language, must be furnished not later than the expiration of thirty months from the priority date. Amendments under PCT Article 19 which are not received by the expiration of thirty months from the priority date will be considered to be canceled.

(e) A translation into English of any annexes to an international preliminary examination report (if applicable), if the annexes were made in another language, must be furnished not later than the expiration of thirty months from the priority date. Translations of the annexes which are not received by the expiration of thirty months from the priority date may be submitted within any period set pursuant to paragraph (c) of this section accompanied by the processing fee set forth in § 1.492(f). Annexes for which translations are not timely received will be considered canceled.

(f) Verification of the translation of the international application or any other document pertaining to an international application may be required where it is considered necessary, if the international application or other document was filed in a language other than English.

(g) The documents and fees submitted under paragraphs (b) and (c) of this section must be clearly identified as a submission to enter the national stage under 35 U.S.C. 371. Otherwise, the submission will be considered as being made under 35 U.S.C. 111(a).

## PATENT RULES

§ 1.492

determined to be justified, the additional fees or a portion thereof will be refunded.

(c) An applicant who desires that a copy of the protest and the decision thereon accompany the international preliminary examination report when forwarded to the Elected Offices, may notify the International Preliminary Examining Authority to that effect any time prior to the issuance of the international preliminary examination report. Thereafter, such notification should be directed to the International Bureau.

[Added 52 FR 20050, May 28, 1987, effective July 1, 1987; para. (b) revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003]

## NATIONAL STAGE

## § 1.491 National stage commencement and entry.

(a) Subject to 35 U.S.C. 371(f), the national stage shall commence with the expiration of the applicable time limit under PCT Article 22(1) or (2), or under PCT Article 39(1)(a).

(b) An international application enters the national stage when the applicant has filed the documents and fees required by 35 U.S.C. 371(c) within the period set in § 1.495.

[Added, 52 FR 20050, May 28, 1987; revised, 66 FR 45775, Aug. 30, 2001; revised, 67 FR 520, Jan. 4, 2002, effective Apr. 1, 2002]

## § 1.492 National stage fees.

The following fees and charges are established for international applications entering the national stage under 35 U.S.C. 371:

(a) The basic national fee for an international application entering the national stage under 35 U.S.C. 371 if the basic national fee was not paid before December 8, 2004:

By a small entity (§ 1.27(a)) . . . \$150.00  
By other than a small entity . . . \$300.00

(b) Search fee for an international application entering the national stage under 35 U.S.C. 371 if the basic national fee was not paid before December 8, 2004:

(1) If an international preliminary examination report on the international application prepared by the United States International Preliminary Exam-

ining Authority or a written opinion on the international application prepared by the United States International Searching Authority states that the criteria of novelty, inventive step (non-obviousness), and industrial applicability, as defined in PCT Article 33 (1) to (4) have been satisfied for all of the claims presented in the application entering the national stage:

By a small entity (§ 1.27(a)) . . . . \$0.00

By other than a small entity . . . . \$0.00

(2) If the search fee as set forth in § 1.445 (a)(2) has been paid on the international application to the United States Patent and Trademark Office as an International Searching Authority:

By a small entity (§ 1.27(a)) . . . \$50.00

By other than a small entity . . . \$100.00

(3) If an international search report on the international application has been prepared by an International Searching Authority other than the United States International Searching Authority and is provided, or has been previously communicated by the International Bureau, to the Office:

By a small entity (§ 1.27(a)) . . . \$200.00

By other than a small entity . . . \$400.00

(4) In all situations not provided for in paragraphs (b)(1), (b)(2), or (b)(3) of this section:

By a small entity (§ 1.27(a)) . . . \$250.00

By other than a small entity . . . \$500.00

(c) The examination fee for an international application entering the national stage under 35 U.S.C. 371 if the basic national fee was not paid before December 8, 2004:

(1) If an international preliminary examination report on the international application prepared by the United States International Preliminary Examining Authority or a written opinion on the international application prepared by the United States International Searching Authority states that the criteria of novelty, inventive step (non-obviousness), and industrial applicability, as defined in PCT Article 33(1) to (4) have been satisfied for all of the claims presented in the application entering the national stage:

By a small entity (§ 1.27(a)) . . . . \$0.00

By other than a small entity . . . . \$0.00

(2) In all situations not provided for in paragraph (c)(1) of this section:

By a small entity (§ 1.27(a)) . . . \$100.00

By other than a small entity . . . \$200.00

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